REMARKS

Applicants request favorable reconsideration in view of the preceding amendments and the following remarks.

Claims 6-8, 10, 11, and 13-22 are pending in the application, with claims 6, 8, 10, 11, and 13-17 being independent. By this amendment, claims 6, 8, 10, 11, 13, and 14 have been amended, and claims 18-22 are newly added. Support for the amendments and for the new claims may be found in the application, as originally filed. For example, support for the amendments to claims 6, 10, and 13, and for new claim 18 may be found at least at page 21, lines 1-7; support for the amendments to claims 8, 11, and 13, and for new claim 19, may be found at least at page 23, lines 4-16; support for new claim 20 may be found at least at page 22, line 14, to page 23, line 3, support for new claim 21 may be found at least at page 26, lines 2-5, and support for new claim 22, may be found at least at page 18, lines 19-26. Accordingly, no new matter has been added.

Initially, claims 15 and 16 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6, and 7 of U.S. Patent No. 6,628,825. Applicants traverse this rejection. A broader claim is not *per se* obvious in light of a narrower claim, and the Office Action points to no motivation or suggestion that the removal of features recited in the claims of the '825 patent to arrive at the presently claimed invention would have been obvious to one of ordinary skill in the art. Applicants will reconsider filing a Terminal Disclaimer when claims 15 and 16 are otherwise indicated as allowable.

Claims 6-8, 10, 11, and 13-17 stand rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 4,488,245 (Dalke et al.). Applicants traverse this rejection.

In one aspect of Applicants' invention, independent claim 6 recites an image processing method featuring detecting a color solid axis of an original image, judging one of an overexposure and an underexposure state of the original image from a positional relationship between the color solid axis and an axis indicating the luminosity in a color space representing the color solid, and setting an image correcting condition according to a result of the judgment.

In another aspect of the invention, independent claim 8 recites an image processing method for effecting an image correction process on an original image according to the color distribution of the original image. The method includes detecting a color solid axis of the original image in a predetermined color space, and controlling the image correction process of correcting an influence based on an image taking condition of the original image, based on a positional relationship of the color solid axis in the color space.

In a still further aspect of the invention, independent claim 15 recites an image processing method featuring detecting a luminosity of a highlight point and a shadow point of an original image, obtaining a hue of the highlight point and the shadow point from plural pixels of the luminosity, and executing a correction process on the original image based on the highlight point, the shadow point, and the hue. The correction process executed in the executing step executes a color fog correction by matching a color solid axis of the original image with an axis indicating the luminosity.

In still further aspects of Applicants' invention, independent claims 10, 11, and 16 each recite an image processing apparatus and independent claims 13, 14, and 17

each recite a computer readable memory medium storing a computer program. Claims 10 and 11 generally correspond to claim 6, claims 11 and 14 generally correspond to claim 8, and claims 16 and 17 generally correspond to claim 15.

Applicants submit that many features of these claims are not taught or suggested by Dalke et al.

Dalke et al. relates to a method and means for color detection and modification of color values in a textured, shaded or highlighted surface image. As discussed at column 6, lines 65 to 68 of that patent, an axis (C_1 or 1) representing luminance for a particular color space may be aligned with a color curve to maximize variations of luminance for a particular color and surface to assist in detecting the color reflected from that surface. Applicants understand this disclosure to imply that the hue defined by a color curve reduces the calculation amount in the detection process from the images evaluated and corrected. However, nowhere is Dalke et al. understood to teach or suggest 1) judging one of an overexposure state and an underexposure state of the original image from a positional relationship between the color solid axis and an axis indicating the luminosity in a color space representing the color solid, as recited in independent claims 6, 10, and 13, or 2) controlling the image correction process of correcting an influence based on an image taking condition of the original image, based on a positional relationship of the color solid axis in the color space, as recited in independent claims 8, 11, and 14.

Moreover, Dalke et al. also is not understood to teach or suggest executing color fog correction by matching the color solid axis of the original image with the axis indicating the luminosity, as recited in independent claims 15-17. As noted above, Dalke et

al. teaches that the C_1 axis and the color curve 30 are aligned with each other. And, as discussed beginning at column 8, line 34, the color curve 30 is information used to find pixels having a sampled color from the image to be evaluated and corrected. Thus, Dalke et al. is understood to judge whether the image to be evaluated and corrected includes the hue defined by the color curve 30. Moreover, as discussed at column 11, lines 56-62, of Dalke et al., shifting the color curve 30 reduces the calculation amount of the process in which the color curve 30 is used. However, this is understood to be distinct from the "color fog" correction of the present invention.

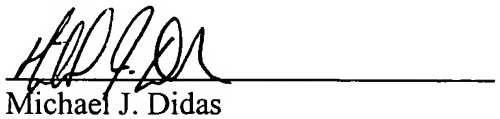
For the foregoing reasons, Applicants submit that independent claims 6, 8, 10, 11, and 13-16 recite patentable features that define Applicants' claimed invention over Dalke et al. Favorable reconsideration and withdrawal of the Section 102 rejection are requested.

The remaining claims depend from one of the independent claims. These dependent claims are believed to be allowable by virtue of their dependency from an allowable base claim, and for reciting other patentable features of Applicants' invention. Favorable and independent consideration of the dependent claims are requested.

Applicants submit that this application is in condition for allowance. Favorable reconsideration and withdrawal of the outstanding rejections are requested.

Applicants undersigned attorney may be reached in our Washington, D.C. office at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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